



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117 · (Fax) 479-936-5401

[www.rogersar.gov](http://www.rogersar.gov)

### COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: March 22, 2018

The following committee meetings will be held on **Tuesday, March 27, 2018** prior to the City Council meeting:

**5:45 p.m. – PUBLIC WORKS COMMITTEE:** (Townzen, Wright and Kendall) **Committee Room #1**

To Discuss: (a) Monthly Report from RWU

**5:45 p.m. – PUBLIC SAFETY COMMITTEE:** (Wolf, Kruger and Carmichael) **Committee Room #2**

- To Discuss:
- (a) An Ordinance Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 704 W. Olrich Street
  - (b) A Resolution Authorizing a Mutual Aid Agreement Between the Benton County’s Sheriff’s Office and the Rogers Fire Department
  - (c) An Ordinance Waiving Competitive Bidding for the Purchase of Conducted Electrical Weapons for Use by the Rogers Police Department

**6:00 p.m. – COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael, Townzen and Hayes) **Committee Room #1**

To Discuss: (a) An Ordinance Adopting the Changes to the Schedule of Uses Promulgated by the Rogers Planning Commission Since January of 2017; Amending Certain Provisions Concerning Zoning

**6:00 p.m. – INTERNAL AFFAIRS COMMITTEE:** (Kendall, Wolf and Reithemeyer) **Committee Room #2**

To Discuss: (a) An Ordinance Waiving Competitive Bidding for the Purchase of an Employee Performance Management Software Program from CRG emPerform for Use by the City of Rogers

**6:00 p.m. – FINANCE COMMITTEE:** (Reithemeyer, Wolf and Kendall) **Committee Room #2**

To Discuss: (a) Authorizing the Purchase of an Employee Performance Management Software Program from CRG emPerform for Use the City of Rogers Human Resource Department; Amending the 2018 Budget to Appropriate General Fund Reserves in the Amount of \$27,802 to Acct. #100-01-70268

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**6:15 p.m. – TRANSPORTATION COMMITTEE:** (Kruger, Townzen, and Carmichael) **Committee Room #1**

To Discuss: (a) Request from American Heart Association to Close Streets and Parking Lots on April 12, 13 and 14 for the NWA Heart Walk

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(b) An Ordinance Vacating a Certain Portion of Pecan Street

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**6:15 p.m. – RESOURCES & POLICY COMMITTEE:** (Hayes, Reithemeyer and Wright) **Committee Room #2**

To Discuss: (a) A Resolution to Assist Certain Cave Springs Residents in Resolving Questions as to Their Residency; To Clarify the Results of the November 2017 Annexations into Rogers and Cave Springs; To Express the Intent of the City of Rogers

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**ROGERS CITY COUNCIL**

**AGENDA**

**MARCH 27, 2018**

**6:30 P.M.**

**PUBLIC HEARING:** Re: Vacating A Certain Portion Of Pecan Street

**PUBLIC HEARING:** Re: Notice of Razing and Removal of Certain Structure  
Located at 704 W. Olrich

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** March 13, 2018

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |   |                            |
|---|----------------------------|
| 1. ORD. Re: Vacating a Certain Portion of Pecan Street  | - Transportation Committee |
| 2. ORD. Re: Ordering the Razing and Removal of a Certain Structure Within the City of Rogers, AR, Located at 704 W. Olrich Street | - Public Safety Committee  |
| 3. RES. Re: Authorizing a Mutual Aid Agreement Between the Benton County's Sheriff's Office and the Rogers Fire Department        | - Public Safety Committee  |
| 4. ORD. Re: Waiving Competitive Bidding for the Purchase of Conducted Electrical Weapons for Use by the Rogers Police Department  | - Public Safety Committee  |

# **ROGERS CITY COUNCIL AGENDA**

**MARCH 27, 2018**

## **PAGE 2**

5. ORD. Re: Adopting the Changes to the Schedule of Uses Promulgated by the Rogers Planning Commission Since January of 2017; Amending Certain Provisions Concerning Zoning - Community Environment & Welfare Committee
6. RES. Re: Authorizing the Purchase of an Employee Performance Management Software Program from CRG emPerform for Use the City of Rogers Human Resource Department; Amending the 2018 Budget to Appropriate General Fund Reserves in the Amount of \$27,802 to Acct. #100-01-70268 - Finance Committee
7. ORD. Re: Waiving Competitive Bidding for the Purchase of an Employee Performance Management Software Program from CRG emPerform for Use by the City of Rogers - Internal Affairs Committee
8. RES. Re: A Resolution to Assist Certain Cave Springs Residents in Resolving Questions as to Their Residency; To Clarify the Results of the November 2017 Annexations into Rogers and Cave Springs; To Express the Intent of the City of Rogers - Resources & Policy Committee

### **OLD BUSINESS:**

### **NEW BUSINESS:**

1. ORD. Re: Rezone from A-1 to R-E, 7.15 Acres at the Southwest Corner of W. Pleasant Grove Road and N. Main Street - Daniel Ellis
2. ORD. Re: Rezone from C-2 to I-1, 6.39 Acres at 1019 N. 2<sup>nd</sup> Street - Grady Matthews

### **APPOINTMENTS:**

### **ANNOUNCEMENTS:**

ORDINANCE NO. 18- \_\_\_\_  
**AN ORDINANCE VACATING A CERTAIN PORTION OF PECAN STREET;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the portion of Pecan Street lying between South 1<sup>st</sup> Street and South 2<sup>nd</sup> Street in the City of Rogers has been designated as a parking lot and secure area for the exclusive use of the Rogers Water Utilities (RWU), said part of Pecan Street having a legal description as follows:

All that part of Pecan Street between S 1<sup>st</sup> Street and S 2<sup>nd</sup> Street that lies between Block 1 and Block 8 of the J Wade Sikes Park Addition to the City of Rogers, Arkansas, being also described as: Beginning at the Southwest corner of Block 1 of the J Wade Sikes Park Addition; thence South 40 feet to the Northwest corner of Block 8 of the J Wade Sikes Park Addition; thence East 300 feet to the Northeast corner of said Block 8; thence North 40 feet to the Southeast corner of Block 1 of the J Wade Sikes Park Addition; thence West 300 feet to the Point of Beginning, containing 12,000 square feet, more or less;

**WHEREAS**, by Resolution, the City Council of Rogers, on February 13, 2017, called for a hearing to be set for March 27, 2017;

**WHEREAS**, the Department of Community Development caused a Resolution to be drafted directing the City Clerk-Treasurer and the Department of Community Development to publish and post notice of the hearing on the vacation of the above-referenced portion of Pecan Street, as required under Section 14-521 of the Code of Ordinances of the City of Rogers; and

**WHEREAS**, now on March 27, 2017, pursuant to Section 14-521 of the Code of Ordinances, the City Council of Rogers must hold the hearing and adopt an ordinance vacating the portion of Pecan Street shown on attached Exhibit A.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City Council finds after proper notice and hearing that the closure of the portion of Pecan Street as described and as further shown on the attached Exhibit A is necessary in order to provide for the public welfare, safety, comfort, and convenience of inhabitants;

Section 2: The City Council orders that the portion of Pecan Street further shown on Attached Exhibit A is vacated.

Section 3 - Emergency Clause: For the reasons stated in this Ordinance, the need to vacate the above-referenced portion of Pecan Street is immediate and in order to protect the public peace, health, safety, and welfare, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance, are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: Rogers Waterworks and Sewer Commission and Rogers Water Utilities  
John McCurdy, Director of the Department of Community Development

Prepared by: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and  
Rogers Water Utilities  
Jennifer A. Waymack, Senior Staff Attorney, City of Rogers

For Consideration by the Transportation Committee

**ORDINANCE NO. 18-\_\_\_\_\_**

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 704 W. OLRICH STREET; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Christner Properties, LLC, is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

Part of the NW ¼ of the SE ¼ of Section 13, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas being more particularly described as beginning 374 feet East of the NW corner of said NW ¼ of SE 1/4, and running thence East 132 feet, thence South 330 feet; thence West 132 feet; thence North 330 feet to the Point of Beginning, less and Except all that part sold to the Arkansas State Highway Commission as show in Deed Record 711 at Page 812. Subject to the Right-of-Way of Olrich Street along the North side and subject to covenants, easements, and right of way, if any.

And

Part of the NW ¼ of the SE ¼ of Section 13, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas, being more particularly described as beginning 506 feet East of the NW corner of said NW ¼ of the SE ¼ and, running thence 20 rods South; thence East 130 feet; thence North 20 rods; thence West 130 feet to the Point of Beginning. Less and except all that part sold the Arkansas State Highway Commission as shown in Deed record 711 at page 812. Subject to Right-of-Way of Olrich Street along the North side and subject to covenants, easements, and right of way, if any.

Layman's Description: 704 W. Olrich Street, Rogers, Benton County, Arkansas

Tax Parcel No. 02-01505-000

**WHEREAS**, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety, or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly and is considered an unsafe structure in violation of City of Rogers Code of Ordinance Sections 18-55 through 18-68; more specifically, the following violations have been found to exist:

1. There appear to be fascia boards need replacing (IPMC § 304.1.1(8))
2. The exterior walls need to be painted (IPMC §304.2)
3. There is a hole in the exterior that needs to be fixed (IPMC § 304.6)
4. There is a broken window that need fixed or safe guarded (IPMC § 304.13.1)
5. The outbuilding shows signs of instability (IPMC§304.1.1(5))

**WHEREAS**, the owner has been notified by the City of Rogers prior to the consideration of this ordinance, that the structure on the property is in violation of variance ordinances of the City of Rogers;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-57, the owner was given 14 calendar days from January 8, 2018 to abate or correct documented violations;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-57, a follow up inspection was conducted on January 22, 2018;

**WHEREAS**, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing the building may be referred to the City Council pursuant to City of Rogers Code of Ordinances Section 18-58;

**WHEREAS**, pursuant to City of Rogers Code of Ordinances Section 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on January 22, 2018, which concluded that violations do currently exist; and

**WHEREAS**, pursuant to Arkansas Code Annotated §14-56-203 and City of Rogers Code of Ordinances Chapter 18, Article III, if repair or removal is not done within the required time frame, the City shall have to power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That the structure located at 704 W Olrich Street, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interests of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within 30 days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers Code of Ordinances Chapters 10, 18 and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed; and the unsafe, unsanitary, and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing), and removing said structure, and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4: Emergency Clause: The need to raze and remove a certain structure is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Ordinances and Resolutions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Thomas Jenkins, Rogers Fire Department  
Travis Hollis, Community Risk Reduction Division

Prepared by: Jennifer A. Waymack, Senior Staff Attorney

For Consideration by the Public Safety Committee

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ROGERS  
AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL AID AGREEMENT  
BETWEEN THE BENTON COUNTY SHERIFF’S OFFICE AND THE ROGERS FIRE  
DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, The Rogers Fire Department responds to emergency situations, natural disasters, and exigent circumstances that occasionally require additional assistance from various local law enforcement and emergency services; and

**WHEREAS**, the Benton County Sheriff’s Office has agreed to lend additional resources and manpower to assist the Rogers Fire Department during emergency situations, natural disasters, and exigent circumstances where additional resources are needed.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor may execute the cooperative agreement for mutual aid between the Rogers Fire Department and Benton County Sheriff’s Office for mutual aid and other assistance during emergency situations, natural disasters, and exigent circumstances;

Section 2: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions- All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Thomas Jenkins, Chief of Rogers Fire Department  
Prepared By: Jennifer A. Waymack, Senior Staff Attorney  
For Consideration by the Public Safety Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CONDUCTED ELECTRICAL WEAPONS FOR USE BY THE ROGERS POLICE DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the approximately sixty thousand dollars (\$60,000.00) purchase was authorized in the City of Rogers 2018 Budget; and

**WHEREAS**, the Rogers Police Department is in need of law enforcement weapons and Axon Enterprise makes the only conducted electrical weapon on the market that can perform the functions needed to meet the Rogers Police Department’s specifications for use;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of Conducted Electrical Weapons for use by the Rogers Police Department;

Section 2: Competitive bidding is waived for the purchase of the TASER Conducted Electrical Weapon for the 2018 calendar year;

Section 3 - Emergency Clause: The need to acquire quality protective gear for the Rogers Police Force is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Hayes Minor, Chief of Police  
Prepared By: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Public Safety Committee

**ORDINANCE NO. 18-\_\_\_\_\_**

**AN ORDINANCE ADOPTING THE CHANGES TO THE SCHEDULE OF USES PROMULGATED BY THE ROGERS PLANNING COMMISSION SINCE JANUARY OF 2017; AMENDING CERTAIN PROVISIONS CONCERNING ZONING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**Whereas**, under the Code of Ordinances, City of Rogers, Arkansas §14-721(g) the Planning Commission may update the schedule of uses throughout the year; and

**Whereas**, for the purpose of codification in the Code of Ordinances, City of Rogers, Arkansas, those changes must be adopted by City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The use classification of “Multifamily Residential (above the first floor)” is adopted as permitted by right in C-2, C-3, C-4, O, and R-O zones;

Section 2: The use classification of “Commercial Assembly, Recreation, and Entertainment” is adopted as permitted by right in C-2 and C-4 zones;

Section 3: The use classification “Transitional Housing” is adopted as a conditional use in A-1, R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RV, and RO zones;

Section 4: The use classification “Transitional Housing” is adopted as a conditional use in the Downtown Rogers Development Code zones of COR, IA, COM, and NBT;

Section 5: The use classification “Electrical Substations” is adopted as a conditional use in all zones;

Section 6: Municipal Code Corporation is directed to codify Sections 1 through 5 of this ordinance by making the appropriate changes to the use classification tables contained within Chapter 14, Article 6, Division 2 of the City of Rogers, Arkansas Code of Ordinances;

Section 7 – Emergency Clause: The need to adopt these changes is immediate and in order to protect the public peace, health, safety, and welfare an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval;

Section 8 – Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 9 – Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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C. GREG HINES, Mayor

Attest:

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PEGGY DAVID, City Clerk

Requested by: John McCurdy, Director of the Department of Community Development

Prepared by: Jennifer A. Waymack, Senior Staff Attorney

For Consideration by the Community Environment and Welfare Committee

RESOLUTION NO. R-18 \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE PURCHASE OF AN EMPLOYEE PERFORMANCE MANAGEMENT SOFTWARE PROGRAM FROM CRG emPERFORM FOR USE BY THE CITY OF ROGERS HUMAN RESOURCE DEPARTMENT; AMENDING THE 2018 BUDGET TO APPROPRIATE GENERAL FUND RESERVES IN THE AMOUNT OF TWENTY SEVEN THOUSAND EIGHT HUNDRED AND TWO DOLLARS (\$27,802.00) TO ACCOUNT NUMBER 100-01-70268 PROFESSIONAL SERVICES; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers Human Resources Department has a need for an Employee Performance Management Software Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor or his duly-designated representative may enter into contracts on behalf of the City to purchase Employee Performance Management Software Program with cost not to exceed twenty seven thousand eight hundred two dollars (\$27,802.00);

Section 2: The 2018 Budget is amended to appropriate twenty seven thousand eight hundred two dollars (\$27,802.00) from General Fund Reserves to Account Number 100-01-70268 Professional Services;

Section 3: Severability Provision- If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions- All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Thomas Dunlap, Director of Human Services  
Prepared By: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Finance Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF AN EMPLOYEE PERFORMANCE MANAGEMENT SOFTWARE PROGRAM FROM CRG emPERFORM FOR USE BY THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers City Council has requested that city staff implement an employee evaluation system for city employees, and CRG emPERFORM is the only company that provides the necessary software designed to facilitate all of the requirements of the City including without limitation experience with public safety employers, compatibility with our existing HRIS New World system, functionality to provide real time journaling and feedback of employee performance, and a bridge to connect performance measurement with merit pay administration; and

**WHEREAS**, an equal functionality to that available from CRG emPERFORM could only be achieved through contracting separately with multiple vendors at a significantly higher price than the twenty seven thousand eight hundred and two dollar (\$27,802.00) price offered to the City of Rogers by CRG emPERFORM.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waves the requirements of competitive bidding for the purchase of an employee performance management software program from CRG emPERFORM;

Section 2 – Emergency Clause: The need to acquire employee performance management software is immediate and in order to protect the public peace, health, safety, and welfare and emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3 – Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 – Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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C. GREG HINES, Mayor

Attest:

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PEGGY DAVID, City Clerk

Requested By: Thomas Dunlap, Director of Human Resources  
Prepared By: Jennifer Waymack, Senior Staff Attorney  
For Consideration by the Internal Affairs Committee

RESOLUTION NO. R-18 \_\_\_\_\_

**A RESOLUTION TO ASSIST CERTAIN CAVE SPRINGS RESIDENTS IN RESOLVING QUESTIONS AS TO THEIR RESIDENCY; TO CLARIFY THE RESULTS OF THE NOVEMBER 2017 ANNEXATIONS INTO ROGERS AND CAVE SPRINGS; TO EXPRESS THE INTENT OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, on August 22, 2017, the City of Rogers called an annexation election for the properties located East of Highway 112;

**WHEREAS**, on November 8, 2017, Christopher and Cynthia Gregory, Kriston and Maude King, and Josh and Janet Hannay petitioned to annex their three (3) properties, parcel numbers 15-07273-000, 15-07273-001, and 15-07273-002, into Cave Springs, Arkansas. These three (3) properties were included in the description of the properties subject to the election called by the City of Rogers;

**WHEREAS**, on November 14, 2017, the City of Rogers election was held and on the same day Cave Springs City Council adopted the ordinance annexing those three lots into Cave Springs, Arkansas (attached as Exhibit "A");

**WHEREAS**, the City of Rogers annexation by election was effective on November 20, 2017, and the Cave Springs annexation by petition and ordinance was effective on November 14, 2017;

**WHEREAS**, these three (3) lots currently have access to Cave Springs water, and provision of water and sewer by Rogers Water Utility is possible but impracticable in light of the current access to Cave Springs water; and

**WHEREAS**, attorneys for Cave Springs and Rogers have researched and conferred, and, based on facts and relevant law, agree and advise that these three parcels are in Cave Springs, Arkansas, and that the remainder of the lands subject to the above described election annexed into Rogers, Arkansas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The City of Rogers City Council finds and intends that parcel number 15-07273-000 belonging to Christopher S. and Cynthia M. Gregory, parcel number 15-07273-001 belonging to Kriston C. and Maude E. King, and parcel number 15-07273-002 belonging to Josh and Janet Hannay are in Cave Springs, Arkansas, and the remainder of the lands subject to the November 14, 2017 election are in Rogers, Arkansas.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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C. GREG HINES,

Mayor

Attest:

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PEGGY DAVID, City Clerk

Requested By: Jennifer A. Waymack, Senior Staff Attorney

Prepared By: Jennifer A. Waymack, Senior Staff Attorney

For Consideration by the Resource and Policy Committee

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY REZONING CERTAIN REAL ESTATE IN THE CITY OF ROGERS, ARKANSAS, FROM A-1 TO R-E PROPERTIES AND PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon the consideration of the request and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas on March 20, 2018, the City Council has found that certain lands hereinafter described are better suited for R-E than A-1 zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ROGERS, ARKANSAS:**

**Section 1:** That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

**Section 2:** That the land hereinafter described should be and the same is hereby zoned R-E and that said lands being in Benton County, Arkansas, are described as:

A PART OF THE NW/4 OF THE SE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, AS SHOWN ON A PLAT RECORDED IN THE CIRCUIT CLERK'S OFFICE FOR BENTON COUNTY, ARKANSAS AT PLAT RECORD L201806074, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF THE NW/4 OF THE SE/4 OF SAID SECTION 25; THENCE S 02° 21' 24" W 40.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST PLEASANT GROVE ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S 87° 23' 00" E 327.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S 87° 23' 00" E 361.58 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE OF A CREEK FOR THE FOLLOWING FIVE COURSES: THENCE S 35° 02' 17" E 213.52 FEET; THENCE S 07° 35' 55" E 120.95 FEET; THENCE S 00° 50' 25" E 109.39 FEET; THENCE S 23° 19' 38" E 122.88 FEET; THENCE S 08° 17' 08" E 109.16 FEET; THENCE LEAVING SAID CENTERLINE OF CREEK N 87° 36' 27" W 591.86 FEET; THENCE N 02° 22' 27" E 617.28 FEET TO THE POINT OF BEGINNING, CONTAINING 7.15 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

**LAYMAN'S DESCRIPTION:** West Pleasant Grove Road

**Section 3:** That it is necessary to begin the project immediately and to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this Ordinance shall be in full force and effect from the date of its passage and approval.

**Section 4: Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 5: Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**APPROVED:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO I-1, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for I-1.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as I-1 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned I-1:

Tract 1: (Parcel No. 02-00103-000)

A part of the NW ¼ of Section 6, Township 19 North, Range 29 West, Benton County, Arkansas, described as follows: Beginning 421 feet South from the NW corner of said 40 acre tract; thence South 100 feet; thence running East 190 feet; thence South 100 feet; thence East to the West railroad right of way line; thence North 5 ½ degrees East along said right of way line to a point due East of the place of beginning; thence West 728.6 feet, more or less, to the place of beginning. Subject to the right of way of North Second Street.

Tract 2: (Parcel Nos. 02-00104-000 and 02-00105-000)

A part of the NW1/4 of the SW1/4 of Section 6, Township 19 North, Range 29 West of the Fifth Principal Meridian described as: Commencing at the NW Corner of the NW1/4 of the SW1/4 of Section 6, T-19-N, R-29-W, said point being in the roadway of North Second Street; thence South 00°28'32" East 520.42 feet to the TRUE POINT OF BEGINNING, said point being in the roadway of North Second Street; thence leaving said roadway, North 89°29'54" East 190.00 feet to a set iron pin; thence South 00°28'32" East 294.07 feet to set iron pin; thence South 89°17'45" West 190.00 feet to a point in the roadway of North Second Street; thence along the roadway of North Second Street, North 00°28'32" West 294.74 feet to the TRUE POINT OF BEGINNING, containing 1.28 acres, more or less and subject to the right of way of North Second Street.

AND

A part of the NW ¼ of the SW ¼ of Section 6, Township 19 North, Range 29 West of the Fifth Principal Meridian, Benton County, Arkansas, described as: Commencing at the NW Corner of the NW1/4 of the SW1/4 of Section 6, T-19-N, R-29-W, said point being in the roadway of North Second Street; thence South 00°28'32" East 815.16 feet and North 89°17'45" East 190.00 feet to the TRUE POINT OF BEGINNING, said point being a set iron pin; thence North 00°28'32" West 194.07 feet to a set iron pin; thence North 89°29'54" East 524.70 feet to an iron pin set on the West Right of Way of the Arkansas Missouri Railroad; thence along the said Right of Way, South 04°59'56" West 193.17 feet to a set iron pin; thence leaving the Right of Way of said railroad, South 89°17'45" West 506.28 feet to the TRUE POINT OF BEGINNING, containing 2.29 acres.

**LAYMAN'S DESCRIPTION: Certain real property located at and around 1019 N. 2<sup>nd</sup> Street, Rogers, Arkansas, comprising approximately 6.4 acres of land, more or less.**

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: **Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: **Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR